

**THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET**

Barbara J. Houser  
United States Bankruptcy Judge

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**Defendants.****§**

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**MEMORANDUM OPINION AND ORDER GRANTING, IN PART, AND DENYING, IN PART, PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION AND ORDER TO DEPOSIT FUNDS INTO THE REGISTRY OF THE COURT**

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Before the Court is Plaintiff's Motion for Preliminary Injunction ("Motion") filed by Robert Yaquinto, Jr., chapter 7 trustee (the "Trustee") of the bankruptcy estate of Lloyd Ward (the "Debtor"). Responses in opposition to the Motion were filed on behalf of Defendants, Lloyd Ward, Ward Legal Associates, P.C., Ward & Xu, PLLC and Steven Bell. The Motion was heard on April 10, 2015 (the "Hearing"). At the conclusion of the Hearing, the Court granted the Motion, in part, and denied the Motion, in part, as set forth below.

*I. Jurisdiction and Venue*

The Motion constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and venue is proper before this Court pursuant to 28 U.S.C. §1409.

*II. The Request for Preliminary Injunction*

The Trustee requests that the Court enter a preliminary injunction prohibiting the transfer of the attorneys' fees owed to plaintiffs' counsel in the case styled *Victoria Lynn Banks et al. v. Con-Way Truckload, Inc. et al.*, Cause No. CV-2013-23 ("Banks Case"), which resulted in a jury verdict for the plaintiffs in the Circuit Court of Clay County Arkansas on or about March 19, 2015. Debtor represented the plaintiffs in the Banks Case. The Defendants assert that Clients in the Banks Case agreed to a 33 1/3 attorneys' fee (the "Contingent Fee"), and that such Contingent Fee agreement was solely with Defendant Steven Bell. The Defendants further contend that Ward Legal Associates, P.C. and Ward & Xu, PLLC (the "Ward Related Defendants") are owed only \$195,703.01 for their time and expenses incurred in prosecuting the

For the reasons stated on the record during the hearing on April 10, 2015, the Court grants Plaintiff's Motion for Preliminary Injunction in the amount of the attorneys' fees owed to the Ward Related Defendants as Plaintiff has made a prima facie case with regard to those amounts for purposes of obtaining injunctive relief, but denies Plaintiff's Motion for Preliminary Injunction as to the remainder of the Contingent Fee.

Accordingly, it is hereby:

**ORDERED** that the Trustee's request for a preliminary injunction is GRANTED, in part, and that the Defendants are hereby prohibited from transferring \$195,703.01 of the Contingent Fee among themselves or to any other person or entity, except as specifically authorized and required by this order, pending entry of a final judgment in this adversary proceeding unless the Court authorizes such transfer upon the filing of a motion after notice to the Trustee and a hearing on any such motion. It is further

**ORDERED** that Steven Bell is authorized and ordered to deposit \$195,703.01 into the registry of the Court by tendering such funds to the Clerk of this Court payable to the United States Bankruptcy Clerk no later than the fifth business day after the Contingency Fee has been paid, cleared, and funds available to him. It is further

**ORDERED** that if the Contingency Fee is paid to any Defendant other than Steven Bell, that Defendant is authorized and ordered to deposit \$195,703.01 into the registry of the Court by tendering such funds to the Clerk of this Court payable to the United States Bankruptcy Clerk no later than the fifth business day after the Contingency Fee has been paid, cleared and funds available to the Defendant. It is further

**ORDERED** that such funds cannot be released until further order of the Court.

Approved as to form;

/s/ Charles W. Branham

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